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TELECOPIER COVER LETTER

To: USPTO

From: William B. Slate

FAX #: 571-273-8300

Date: January 14, 2009

Your Ref.: SN 10/618,059

Our Ref.: 085.10937-US(03-358)

Number of Pages including this sheet: 2

Confirmation Copy to Follow: Yes XX No

* Comments:

I hereby certify that this correspondence is being facsimile transmitted this 14th day of January, 2009 to the USPTO, at Fax No. 571-273-8300.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

Appeal No: 2008-4545
Appellant: Brian J. Schwartz, Robert N. Davie,
Application No: 10/618,059
Hearing Room: A
Hearing Docket: B
Hearing Date: Thursday, February 12, 2009
Hearing Time: 09:00 AM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

**NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: HEARING ATTENDANCE CONFIRMED HEARING ATTENDANCE WAIVED

W.B. Slate January 13, 2009 37,238
Signature of Attorney/Agent/Appellant Date Registration No.
William B. Slate

Names of other visitors expected to accompany counsel: _____
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